

# **Olivia Y., Jamison J., et al. V. Phil Bryant, Donald Taylor, et al.**

**Taylor Cheeseman**

**November 27, 2018**

All depositions & exhibits are available for downloading at  
[www.brookscourtreporting.com](http://www.brookscourtreporting.com)

Please call or e-mail [depo@brookscourtreporting.com](mailto:depo@brookscourtreporting.com) if you need a  
**Username and Password.**



**Mississippi - Louisiana - Tennessee - New York**  
**1-800-245-3376**

Taylor Cheeseman 11/27/2018

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

OLIVIA Y., BY AND THROUGH HER NEXT  
FRIEND, JAMES D. JOHNSON; JAMISON J.,  
BY AND THROUGH HIS NEXT FRIEND,  
CLARA LEWIS; DESIREE, RENEE, TYSON,  
AND MONIQUE P., BY AND THROUGH THEIR  
NEXT FRIEND, SYLVIA FORSTER; JOHN A.,  
BY AND THROUGH HIS NEXT FRIEND,  
JAMES D. JOHNSON; CODY B., BY AND  
THROUGH HIS NEXT FRIEND, SHARON SCOTT;  
MARY, TOM, MATTHEW, AND DANA W., BY AND  
THROUGH THEIR NEXT FRIEND, ZELATRA W.;  
AND SAM H., BY AND THROUGH HIS NEXT  
FRIEND, YVETTE BULLOCK; ON THEIR OWN  
BEHALF AND BEHALF OF ALL OTHERS SIMILARLY  
SITUATED

PLAINTIFFS

V. CIVIL ACTION NO. 3:04-CV-251-TSL-FKB  
PHIL BRYANT, AS GOVERNOR OF THE STATE OF  
MISSISSIPPI; DONALD TAYLOR, AS EXECUTIVE  
DIRECTOR OF THE DEPARTMENT OF HUMAN  
SERVICES; AND BILLY MANGOLD, AS DIRECTOR  
OF THE DIVISION OF FAMILY AND CHILDREN'S  
SERVICES

DEFENDANTS

DEPOSITION OF TAYLOR CHEESEMAN

Taken at the instance of the Plaintiffs at  
Bradley, LLP 188 East Capitol Street, Suite 400  
Jackson, Mississippi, on Tuesday,  
November 27, 2018, beginning at 8:30 a.m.

REPORTED BY:

GINGER H. BROOKS, CCR #1165  
CRR, RPR, CRC, CCR, CLR, RSA

Taylor Cheeseman 11/27/2018

1 APPEARANCES:

2

3 MARCIA ROBINSON LOWRY, ESQ.  
4 DAWN J. POST, ESQ.  
5 A Better Childhood, Inc.  
6 355 Lexington Avenue, Floor 16  
7 New York, New York 10011  
8 mlowry@abetterchildhood.org  
9 dpost@abetterchildhood.org

7

COUNSEL FOR PLAINTIFFS

8

9

10 J. LAWRENCE JONES, ESQ.  
11 KENYA KEY RACHAL, ESQ.  
12 Baker Donelson  
13 100 Vision Drive, Suite 400  
14 Jackson, Mississippi 39211  
15 jjones@bdbbc.com  
16 krachal@bakerdonelson.com

13

14 WILLIAM M. SIMPSON II, ESQ.  
15 Office of the Governor  
16 4500 I-55 North, Suite 278  
17 Jackson, Mississippi 39211  
18 will.simpson@governor.ms.gov

17

COUNSEL FOR DEFENDANTS

18

19

ALSO PRESENT: Earl Scales

20

21

22

23

24

25

Taylor Cheeseman 11/27/2018

1	INDEX	
2	Style and Appearances.....	1
3	Index.....	3
4	Certificate of Deponent .....	99
5	Certificate of Court Reporter .....	100
6	EXAMINATIONS	
7	Examination By Ms. Lowry .....	5
8	Examination By Mr. Jones .....	75
9	Examination By Ms. Lowry .....	94
10	EXHIBITS	
11	Exhibit 1 Budget Request for FY .....	20
12	Ending 6/30/19	
13	Exhibit 2 12/15/17 Letter from .....	25
14	Dickinson to Davis	
15	Exhibit 3 11/24/15 Organizational .....	30
16	Analysis	
17	Exhibit 4 5/25/16 Recruitment, .....	32
18	Hiring and Retention Plan	
19	Exhibit 5 12/20/17 Memo from .....	41
20	Cheeseman to Jones	
21	Exhibit 6 House Bill No. 1600 .....	48
22	Exhibit 7 January 1st, 2018, to June .....	55
23	30th, 2018	
24	Exhibit 8 12/18/17 E-mail from Davis .....	58
25	to Dickinson	

Taylor Cheeseman 11/27/2018

1	Exhibit 9 Affidavit of Jess .....	62
2	Dickinson	
3	Exhibit 10 E-mail String .....	78
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Taylor Cheeseman 11/27/2018

1 TAYLOR CHEESEMAN,  
2 having been first duly sworn, was examined and  
3 testified as follows:  
4 EXAMINATION BY MS. LOWRY:  
5 Q. Would you please state your name for the  
6 record?  
7 A. Taylor Cheeseman.  
8 Q. Have you ever taken a deposition before  
9 or have been the subject of a deposition?  
10 A. I have not.  
11 Q. Okay. So if I ask you any questions  
12 that you don't understand, please tell me, and I  
13 will try to make them clear.  
14 A. Okay.  
15 Q. If you are going to answer something,  
16 please make sure to answer verbally. Don't shake  
17 your head, and let's try not to speak over each  
18 other as well.  
19 A. Okay.  
20 Q. Any time -- if you want a break at any  
21 point during the deposition, just say so,  
22 preferably after you've answered a question, and  
23 then we can take one, okay?  
24 A. Okay.  
25 Q. Are you currently employed by the

Taylor Cheeseman 11/27/2018

1 Mississippi Department of Child Protective  
2 Services?

3 A. Yes.

4 Q. And in what capacity?

5 A. I am Commissioner Dickinson's chief of  
6 staff.

7 Q. How long have you had that position?

8 A. Since September 15th of last year.

9 Q. And before that, what was your job  
10 immediately prior to that?

11 A. My prior employment?

12 Q. Yes. Sorry.

13 A. I was a law clerk for Justice Dickinson  
14 at the Supreme Court.

15 Q. How long were you in that position?

16 A. Almost five years.

17 Q. When did Justice Dickinson take his  
18 position at MDCPS?

19 A. I believe September 18th was his first  
20 day.

21 Q. Prior to coming to MDCPS, did you have  
22 any involvement with or any meetings about MDCPS?

23 A. Yes.

24 Q. And with whom did you have those  
25 meetings?

Taylor Cheeseman 11/27/2018

1           A.    I had at least two meetings with Kenya  
2 Rachal, legal counsel for CPS, to learn about this  
3 litigation. I had a -- meetings with Justice  
4 Dickinson, himself, in terms of planning to come  
5 over to -- to join CPS. I attended a KC sponsored  
6 conference with Tracy Malone and Kristi Plotner  
7 who were then Deputy Commissioners at CPS.

8           Those were the -- the meetings that --  
9 that immediately come to mind, and there may have  
10 been -- I believe there may have been meetings  
11 with -- at least one with Takesha Darby, who was  
12 then Deputy Commissioner, about the budget request  
13 that had just been filed with the Legislature,  
14 because that one of Justice Dickinson's first  
15 meetings was to appear before the Joint  
16 Legislative Budget Committee.

17           I believe that's a week or two after his  
18 first day, so there's at least one meeting about  
19 that, and also meeting with Seth Shannon who was  
20 my predecessor as chief of staff just to talk  
21 about the changing positions with me coming in as  
22 chief of staff and what his role would be going  
23 forward.

24           Q.    And what was his role going forward?

25           A.    It's kind of a -- he was also an



Taylor Cheeseman 11/27/2018

1 attorney, it's kind of a legal counsel to the  
2 commissioner and as an additional advisor to the  
3 commissioner, but the more -- Justice Dickinson  
4 wanted me for the more traditional chief of staff  
5 role.

6 Q. And the meeting that you had with  
7 Takesha Darby, that was before you started your  
8 job?

9 A. I believe there was one before we  
10 started.

11 Q. And who else was at the meeting that you  
12 had with Takesha Darby?

13 A. I don't believe there was anyone other  
14 than Justice Dickinson, myself, and Takesha.

15 Q. And what did you discuss at that  
16 meeting?

17 A. The -- it would have been the FY 2019  
18 budget request. At that point, I believe it had  
19 just been filed with the Legislative budget, and  
20 was going to be presented to the Joint Legislative  
21 Budget Committee, like I said, I think it was a  
22 week after Justice Dickinson's first day  
23 essentially to prep him for that meeting.

24 Q. And how long did the meeting last?

25 A. I don't recall.

Taylor Cheeseman 11/27/2018

1 Q. Okay. And did you talk at all about the  
2 agency's finances at that meeting?

3 A. In the sense that we were discussing the  
4 agency's pending budget request for the next  
5 fiscal year. I don't recall any conversation  
6 about finances beyond that budget request at that  
7 meeting.

8 Q. Okay. So you were discussing the budget  
9 request for the '18 or the '19 fiscal year?

10 A. It would have been for the '19 fiscal  
11 year.

12 Q. Okay. And then you said you also  
13 discussed the budget request for the '20 fiscal  
14 year?

15 A. No.

16 Q. I didn't understand that. You were just  
17 talking about the '19 budget request?

18 A. Correct.

19 Q. Thank you. Okay.

20 So you started work about September 15.

21 A. I believe that was my initial start  
22 date.

23 Q. Okay. And prior to November 15th of  
24 2017 -- 2017, were you part of any discussions  
25 about the financial situation at MDCPS?

Taylor Cheeseman 11/27/2018

1           A.    What do you mean by "financial  
2   situation"?

3           Q.    Well, I mean the budget, what was being  
4   allocated, how much money you had, how much money  
5   you didn't have, anything to do with the budget?

6           A.    The -- the budget, to use that word,  
7   conversation that was had when we initially  
8   arrived, dealt primarily with the FY '19 request  
9   which, like I said, Justice Dickinson had to  
10   defend at the Joint Legislative Budget Committee  
11   hearing shortly thereafter, and with the funding  
12   for two particular contracts.

13                   There were not -- at least not that I  
14   recall specifically, any other major conversations  
15   about the budgets. Those were kind of the two  
16   pressing budgetary issues that were presented to  
17   us when we arrived.

18           Q.    Okay. You said there were two  
19   contracts. What were the contracts?

20           A.    The in circle contracts. There was one  
21   with Canopy and one with Youth Villages for  
22   intensive in-home services.

23           Q.    Okay. And were there any discussions  
24   about any shortfalls in the '19 budget?

25           A.    The '19 budget? The --

Taylor Cheeseman 11/27/2018

1 Q. Yes, the one that was coming up before  
2 the Legislature?

3 A. No.

4 Q. Okay. That's before November 15th?

5 A. Yes, because at that point, the  
6 Legislature had not addressed that budget, so  
7 there wouldn't have been shortfalls to discuss.

8 Q. Okay. And so do you -- did you and/or  
9 Commissioner Dickinson, to your knowledge, have  
10 any discussions with anybody about the financial  
11 status of the agency and whether there were going  
12 to be any difficulties with the budget? And you  
13 referred to another word. I'm calling it budget,  
14 and you've referred to it as something else, so  
15 what else do you call it?

16 A. Are you still talking about the same  
17 time frame?

18 Q. Yes, I'm talking about --

19 A. The early months when we first arrived?

20 Q. Yes.

21 A. The only financial difficulty that was  
22 identified, like I said, was the funding of those  
23 two contracts, that essentially, they had been  
24 procured without funding sources being identified  
25 for those contracts.

Taylor Cheeseman 11/27/2018

1           Beyond that, though, there were no --  
2   you know, no one came to us before that  
3   November 14th or 15th date when DHS reached out to  
4   us. Nobody presented any concerns about budgetary  
5   shortfalls.

6           Q.    Okay. And then did that change?

7           A.    Well, on November 14th and  
8   November 15th, I received notice through Kris  
9   Jones, our Deputy Commissioner of Administration,  
10   that the Department of Human Services finance  
11   staff had informed her that essentially we were  
12   burning through our state appropriation too  
13   quickly, that it was not going to last through the  
14   end of the fiscal year.

15                  That was the first notice I received  
16   that there was some kind of financial problem for  
17   the agency beyond the -- those two contracts that  
18   I mentioned.

19           Q.    Okay. And Kris Jones knew of this  
20   because of what?

21           A.    Because the DHS staff reached out to  
22   her. She had a prior relationship with some of  
23   the finance staff over at DHS. They had worked  
24   together in another state department, and so they  
25   contacted her to kind of give us a head's up.

Taylor Cheeseman 11/27/2018

1 Q. Okay. And what did you learn about  
2 the -- the concern that was being expressed to  
3 Kris Jones?

4 A. Well, at that point, it was just what I  
5 said, it was that state funds are being exhausted  
6 too quickly. We were at that point in the middle  
7 of November. State fiscal year begins July 1, so  
8 we were less than halfway through the state fiscal  
9 year.

10 Our state appropriations are initially  
11 given to the agency in two allotments, one-half at  
12 the beginning of the fiscal year, one-half on  
13 January 1. So the pressing concern was that that  
14 first allotment, the first half was almost  
15 exhausted halfway through November or as of the  
16 end of October I think was the most up-to-date  
17 budget numbers or expenditure numbers that they  
18 had..

19 And so the -- that's essentially all I  
20 learned on that day, November 14th or  
21 November 15th, was that we were out -- we were  
22 just about out of our first allotment. We were  
23 going to have to shift state funds from the second  
24 allotment to the first half.

25 We were going to have to take from the

Taylor Cheeseman 11/27/2018

1 second half of the year to get through the first  
2 half -- the end of the first half of the year,  
3 which then told me that there was a significant  
4 budgetary shortfall.

5 Now, on that day, I didn't know the  
6 depths of that shortfall. There wasn't any kind  
7 of, you know, hard and fast calculation of what it  
8 was, but that was essentially how I learned that  
9 one existed.

10 Q. Okay. And what did you do after you  
11 learned that?

12 A. Okay. So beginning, middle of November,  
13 I began working with Takesha Darby, who was then  
14 Deputy Commissioner of Finance, at that point to  
15 try to figure out how deep that hole went, you  
16 know, what was the scope of the projected deficit  
17 for fiscal year '18.

18 We -- there were also conversations to  
19 kind of -- in, I guess, beginning around the  
20 beginning of December to alert appropriate  
21 parties.

22 I had a meeting, I believe, on  
23 December 5th for -- with some staff from the  
24 governor's office to alert them to the situation.  
25 There was -- and basically, that was the effort

Taylor Cheeseman 11/27/2018

1 between November 14th and 15th.

2 And I believe December 15th, which is  
3 the date that Justice Dickinson sent a letter to  
4 John Davis, the Executive Director at the  
5 Department of Human Services, requesting support  
6 in the form of TANF or SSBG funds, which we kind  
7 of saw as one potential solution to the deficit  
8 situation we faced.

9 Q. So what -- did you have any  
10 conversations prior to the December 15th letter  
11 with John Davis?

12 A. I did not have any prior conversations.

13 Q. Do you know whether or not Commissioner  
14 Dickinson did?

15 A. The only conversation I know of related  
16 to financial matters or related to a budgetary  
17 shortfall goes back to those contracts I  
18 mentioned.

19 Q. The --

20 A. When the two contracts -- the funding  
21 concern was raised, when I believe it was Takesha  
22 came to us and said these two intensive in-home  
23 services contracts were procured, but funding  
24 sources were not identified, our first instruction  
25 to her was well, number 1, go and look and see if



Taylor Cheeseman 11/27/2018

1 we have any funding sources that can pay for those  
2 contracts.

3 She came back to us and said that we had  
4 the CWS grant and the PSSF grant, two, you know,  
5 smaller federal discretionary grants that could  
6 pay for some of those services but that they would  
7 not cover the entire amounts of the contract.

8 I believe the two contracts combined  
9 were like \$18 million over two years, so  
10 \$9 million per year in those two grants could  
11 cover 5 or 6 million of the 9.

12 So I know at that time -- so this is  
13 back, I guess early to mid-October, I believe  
14 Justice Dickinson had a phone conversation with  
15 John Davis about whether or not he could help  
16 provide funding for those contracts, that 2 or  
17 \$3 million, but as far as I remember, the -- the  
18 letter of the 15th was the first -- was the  
19 initiation of conversations about DHS's  
20 involvement in covering a larger budget deficit.

21 Q. Okay. So excuse me. You said this was  
22 about 9 million over two years?

23 A. 18 over two, 9 per year.

24 Q. I see. Sorry. Okay. And so -- and you  
25 had no funding for them, for those two contracts?

Taylor Cheeseman 11/27/2018

1           A.     Initially that was the concern, and then  
2     Takesha identified those two federal discretionary  
3     grants which could cover 5 or 6 of the 9 million  
4     per year.

5           Q.     Okay. You still had 3 to 5 that was not  
6     funded.

7           A.     Yeah, something like that. Three, 4,  
8     something in that nature. Six of the 9, and I  
9     think the two grants total about 6. They're about  
10    \$3 million each, and you have the remaining 3 on  
11    the 9.

12          Q.     Okay. And so you were talking about  
13    that. And you had no other conversations about  
14    finances with Takesha Darby?

15          A.     No, I mean, I had ongoing conversations  
16    beginning November 14 or 15 about trying to  
17    determine what the depth of that deficit was.  
18    That was -- that was every day I was walking down  
19    the hall and talking to her about that as we tried  
20    to work through the numbers.

21                 One of the -- the substance of those  
22    conversations mostly centered on the fact that  
23    there was not, when we arrived, a complete  
24    accounting of all of the agency's obli- --  
25    financial obligations.

Taylor Cheeseman 11/27/2018

1                   So it was not as simple as I go to  
2 Takesha and say, hey, DHS says we're running out  
3 of state funds, how large is our deficit? She  
4 couldn't answer that question at that point.

5                   So there was a constant back and forth  
6 between Takesha and myself about okay, you know,  
7 here's an incomplete accounting of obligations,  
8 what's missing? Okay.

9                   We've identified this contract that's  
10 missing, or, you know, this contract is budgeted  
11 in this amount, but we're not really going to  
12 spend that amount.

13                  So there was a constant back and forth  
14 beginning around November 14th or 15th between  
15 Takesha and myself about -- about working through  
16 the agency's financial obligations to discover the  
17 true depth of the projected deficit.

18                Q.    So what did you discover in addition to  
19 those two contracts?

20                A.    What did I discover or --

21                Q.    In terms of obligations for which there  
22 was no contract.

23                A.    What we ultimately determined was that  
24 we had a projected deficit of approximately  
25 \$52 million, and that was, I believe, about

Taylor Cheeseman 11/27/2018

1 January 7th when we kind of settled on that number  
2 as being the projected deficit for FY '18.

3 Q. And did you have that documented? I  
4 mean, were you looking at papers that she had --  
5 that Takesha Darby had which showed you that there  
6 were obligations without income to meet the  
7 obligations?

8 A. Obligations without income?

9 Q. Uh-huh.

10 A. Are you saying without like, identified  
11 funding sources?

12 Q. Exactly.

13 A. Sort of. I mean, that's not exactly  
14 right. The problem is that with a child welfare  
15 agency, with, you know, Title IV A funding being  
16 the largest component of our funding or ordinarily  
17 the largest component of our funding, title IV E  
18 reimbursement happens on a cost reimbursement  
19 basis, right?

20 You don't claim the funds until you  
21 expend the funds, and you go through that constant  
22 process with your claiming throughout the year.

23 So it wasn't so much that it was a  
24 discovery of other contracts or other things that  
25 did not have a particularly identified funding

Taylor Cheeseman 11/27/2018

1 source.

2 It was more of a process of Takesha and  
3 I working through the contracts, the contracted  
4 amounts, working through spending trends to that  
5 point in the fiscal year to total up what we  
6 expected to spend, the total amount we expected to  
7 spend, deducting from that the funds available by  
8 using our state fund appropriation as a certain  
9 number, and a projection of federal claiming as a  
10 portion of expenses, you know, so, in general, for  
11 instance, you end up -- we ended up claiming  
12 approximately 27 percent of our, you know, our  
13 cost to federal funds, right? So we can project.

14 Do you see what I'm saying? It's not  
15 exactly -- I can't name another thing that was  
16 like the in circle contracts and say, here's a  
17 contract and it doesn't have a funding source.

18 It was more of a, calculate total  
19 expenditures, calculate expected available funds,  
20 determine what the difference is between the two.

21 Q. I'm going to mark this as Exhibit 1 and  
22 ask you if you can identify it?

23 (Exhibit 1 marked for identification.)

24 (Off the record.)

25 Q. (By Ms. Lowry) Can you identify what

Taylor Cheeseman 11/27/2018

1 this is, what Exhibit 1 is?

2 A. This is the original FY 2019 budget  
3 request filed with the Joint Legislative Budget  
4 Office by MDCPS.

5 Q. Did this budget request take into  
6 account income from TANF money?

7 A. For FY 2019?

8 Q. Yes.

9 A. It does not. In the special fund  
10 detail, it has line items for TANF, but in the  
11 requested revenue for FY 2019, there is a blank.

12 MR. JONES: Why don't you identify the  
13 page that you're looking at.

14 THE WITNESS: It's 3-1.

15 Q. (By Ms. Lowry) And does it identify  
16 funds from the -- and does it identify funds from  
17 the Social Security block grant?

18 A. No, it's the same situation. Social  
19 Services Block Grant is a line item on the special  
20 fund detail, but in the requested revenues for FY  
21 2019, there is a blank space.

22 Q. And do you know whether that meant that  
23 the budget for fiscal 2019 did not anticipate any  
24 funding from those two sources?

25 A. Yes, that would be the meaning of -- of

Taylor Cheeseman 11/27/2018

1 having those blanks. The special fund detail is  
2 supposed to identify the federal funding sources  
3 that you expect to have available with projected  
4 amounts, and it does not have projected amounts  
5 for those funding sources. Which --

6 Q. Do you have --

7 A. I was going to say, which is consistent  
8 with the understanding at the time this was filed  
9 that there was no formal commitment of TANF or  
10 SSBG funds to MDCPS.

11 Q. When were you looking -- sorry -- when  
12 did you first look at this document? The one we  
13 marked as Exhibit 1?

14 A. This was the document that I said was  
15 the subject of the meeting with Takesha Darby  
16 before we began that work with MDCPS, before my  
17 official start date.

18 Q. Did you ask about that?

19 A. I don't know if we discussed that in  
20 that particular meeting. There were -- there was  
21 an ongoing conversation with Takesha about the --  
22 the history of that funding, for lack of a better  
23 phrase, that -- that historically TANF and SSBG  
24 had been used to offset the cost of the -- what  
25 was the division of Family and Children Services

Taylor Cheeseman 11/27/2018

1 and is now the Department of Child Protection  
2 Services, but there was no formal commitment of  
3 those funds going forward.

4 Q. For '19?

5 A. Correct.

6 Q. Do you know when there had been any  
7 commitment of those funds in '18?

8 A. No. My understanding was that there was  
9 also no formal commitment of those funds for  
10 fiscal year '18 at that point.

11 Now, it ended up being used in fiscal  
12 year '18 after Justice Dickinson's letter and our  
13 work with DHS and the governor's office to find a  
14 solution for our deficit, but at the time that  
15 this was prepared and filed, my understanding was  
16 that there was no formal commitment of either  
17 funding source to the agency.

18 Q. And your understanding was based on  
19 what?

20 A. Mostly what I just said, Takesha Darby's  
21 descriptions of the history of the use of those  
22 funds, but the fact that there had been no formal  
23 commitment for those fiscal years.

24 Q. And did you or Justice Dickinson, to  
25 your knowledge, contact the previous commissioner



Taylor Cheeseman 11/27/2018

1 to ask what was up with those funds?

2 A. Not to my knowledge. I did not, I can  
3 tell you that. The -- but that was the subject of  
4 that call related to the two contracts I mentioned  
5 from Justice Dickinson to John Davis, for the  
6 3 million on the back end of those contracts that  
7 was unfunded, and it was the subject of the  
8 December 15th letter to John Davis.

9 Q. Okay. So how did it happen that no one  
10 called the previous commissioner to find out what  
11 was happening with that money?

12 A. Well, the previous commissioner didn't  
13 control that money. These are grant programs  
14 administered by the Department of Human Services.

15 When we had questions about those funds,  
16 they were directed to the Department of Human  
17 Services, who controls those funds.

18 Q. Okay. And so at what point did anyone,  
19 to your knowledge, ask John Davis about those  
20 funds?

21 A. Well, the first instance I know of is  
22 the phone call from Justice Dickinson to John  
23 Davis about the two contracts and asking if  
24 funding would be available for the unfunded  
25 \$3 million portion of those contracts.

Taylor Cheeseman 11/27/2018

1           The second instance is the December 15th  
2     letter from Justice Dickinson to John Davis  
3     requesting that they, essentially, I'm  
4     paraphrasing the letter a bit, but asking that  
5     they live up to their historic levels of spending  
6     of those funds on child welfare work.

7           And then, you know, there were obviously  
8     then ongoing conversations from that letter  
9     forward determining how we were going to close out  
10    fiscal year '18, how much they could make  
11    available to us to cover our -- our deficit, and  
12    that was an ongoing conversation with -- with the  
13    Department of Human Services.

14           (Exhibit 2 marked for identification.)

15           Q.     (By Ms. Lowry) I would like to show you  
16    another letter?

17           MS. LOWRY: And we will have that marked  
18    as Exhibit 2.

19           MR. JONES: Is this the 12/15 letter?

20           MS. LOWRY: Yes.

21           Q.     (By Ms. Lowry) So if you can take a look  
22    at it.

23           A.     Okay.

24           MR. JONES: Just a point of  
25    clarification, is the highlighting your

Taylor Cheeseman 11/27/2018

1 highlighting or was it produced that way?

2 MS. LOWRY: It's my highlighting.

3 MR. JONES: Okay.

4 THE WITNESS: (Examining.) Okay.

5 Q. (By Ms. Lowry) And is this the letter you  
6 were referring to?

7 A. Yes, this is the December 15th letter  
8 from Justice Dickinson to Mr. Davis.

9 Q. Okay. And did you have any role in  
10 drafting this letter?

11 A. I'm sure I reviewed it or may have  
12 proposed language to be included. I can't recall  
13 specifically to what degree.

14 Q. Okay. And in this letter -- so you  
15 don't remember whether you or Dr. -- Commissioner  
16 Dickinson did this -- wrote this letter; is that  
17 right?

18 A. It is -- this may sound funny, comes  
19 from five years being his law clerk. The style is  
20 his writing, not my writing, I can tell you that.  
21 But I'm sure I was involved in the preparation of  
22 the letter. I just can't tell you to what degree  
23 how much of the language is mine.

24 Q. Okay. But you saw it before it went  
25 out?

Taylor Cheeseman 11/27/2018

1 A. Yes.

2 Q. Okay. All right. In this letter, there  
3 are questions raised, and one of the things it  
4 says on the second page is the failure to get  
5 extra money -- and this is a quote -- "This also  
6 will prevent us from compliance with numerous  
7 requirements of the Federal Court order in the  
8 Olivia Y. litigation."

9 A. Okay.

10 Q. Okay. And since you in some way  
11 participated in the drafting of this letter, what  
12 were you referring to there? Well, you and  
13 Commissioner Dickinson.

14 A. I'm trying to separate, you know, what I  
15 know in hindsight from what I knew at the time the  
16 letter was being drafted, but I'm -- I would  
17 expect that, first and foremost, we were referring  
18 to the fact that with a significant budget  
19 deficit, we were going to have to curtail our  
20 hiring of caseworkers, which obviously has an  
21 impact on our ability to comply with the caseload  
22 deliverable and the settlement agreement.

23 There also were implications for the  
24 CCWIS project, and while that wasn't a deliverable  
25 that was due, but the financial constraints were

Taylor Cheeseman 11/27/2018

1 going to curtail work on it for the time being.

2 Those are the two things that I recall  
3 specifically as being implications of the -- the  
4 funding shortfall on Olivia Y.

5 Q. And were there any other issues with  
6 regard to Olivia Y.?

7 A. Affected by the funding, by the budget  
8 shortfall?

9 Q. Yes; uh-huh (affirmative response).

10 A. Not -- not that I can say with  
11 certainty. Those are the two I know for sure.

12 Q. Not that you can say with certainty, but  
13 were you concerned about the implications for the  
14 operation of the agency?

15 A. Certainly, in some sense. I mean,  
16 the -- I don't know -- certainly a funding  
17 shortfall has a detrimental impact on the agency.

18 There are impacts on, for instance,  
19 moral, right? The staff doesn't like to hear that  
20 the agency doesn't have enough money. There can  
21 be impacts on -- although I think this has largely  
22 been avoided -- conceivably, at this point, when  
23 we were looking at being \$52 million short, you  
24 could have impacts on the delivery of services.

25 Now, fortunately, I think we were able

Taylor Cheeseman 11/27/2018

1 to avoid that with the money that was found to  
2 fill the budget shortfall, but yes -- but  
3 certainly when we were looking at a potential  
4 budget shortfall of \$52 million and the prospect  
5 of dealing with that budget shortfall solely with  
6 \$52 million in cuts, that would be catastrophic to  
7 the agency.

8 Q. What about implications for the services  
9 to children?

10 A. I would say that if we had -- if we had  
11 had to cut our way to a balanced budget, to cut  
12 \$52 million out of half of a fiscal year, that  
13 would have had a catastrophic effect on services.  
14 Now, like I said, fortunately, we were able to  
15 avoid that.

16 Q. So the only provisions you were  
17 specifically concerned about were the caseload and  
18 the CCWIS work; is that right?

19 MR. JONES: I object to the form of the  
20 question. I don't think that's what he said.

21 MS. LOWRY: Can he answer?

22 MR. JONES: Certainly. I'm not  
23 instructing him not to answer.

24 THE WITNESS: I'm just -- those were the  
25 specific Olivia Y. concerns, in terms of

Taylor Cheeseman 11/27/2018

1 specific concerns about Olivia Y.  
2 deliverables, those were the two most obvious  
3 or most direct concerns tied to the funding  
4 shortfall.

5 MS. LOWRY: Let's mark this as  
6 Exhibit 3.

7 (Exhibit 3 marked for identification.)

8 Q. (By Ms. Lowry) And let me ask you if you  
9 can identify this?

10 A. (Examining.) I believe this is a 2015  
11 analysis of what was then the Department of Human  
12 Services, Child Welfare Services by Public  
13 Catalyst.

14 Q. And have you read this before?

15 A. Yes.

16 Q. I'd like to direct your attention to  
17 pages 16 and 17 in the report.

18 And starting at the bottom of page 16 --

19 A. Okay.

20 Q. -- it says, "To achieve positive  
21 outcomes for children and families, it is critical  
22 that Mississippi have a competent, committed,  
23 trained and resourced child welfare workforce."

24 And going up into 17, "The first order  
25 of business must be the creation and

Taylor Cheeseman 11/27/2018

1 implementation of a comprehensive, dynamic plan to  
2 achieve manageable caseloads for staff within one  
3 year."

4 And this is in a document dated 2015.

5 Do you remember that statement?

6 A. I mean, I -- not something that I, you  
7 know, have committed to memory, but I certainly  
8 see that it is here.

9 Q. Okay. And do you agree with that  
10 statement?

11 A. Not totally.

12 Q. I see. So how else do you provide  
13 services without having a competent, committed,  
14 trained, resourced child welfare workforce?

15 A. I agree with that portion of the  
16 statement.

17 Q. So you don't -- do you disagree with the  
18 time period?

19 A. No, I disagree with the -- and not  
20 totally, but I think that there is a gross  
21 oversimplification in the emphasis on achieving  
22 manageable caseloads.

23 Q. So how do you think there -- where do  
24 you disagree in terms of achieving manageable  
25 caseloads?



Taylor Cheeseman 11/27/2018

1           A.    I don't think -- and, once again, this  
2   is more of a hindsight.  If I'm reading this in  
3   2015, maybe things were different, that was before  
4   my time.

5                   But I don't think that the agency was as  
6   far from manageable caseloads as was believed at  
7   this time, as seen by the fact that positive  
8   outcomes have been achieved on a lot of the  
9   deliverables of the Olivia Y. and in terms of  
10  outcomes for kids and families in the system,  
11  despite the fact that caseload compliance doesn't  
12  reach the levels the settlement agreement says it  
13  should.

14                   MS. LOWRY:  Let's mark this as  
15   Exhibit 4.

16                   (Exhibit 4 marked for identification.)

17           Q.    (By Ms. Lowry)  Let me ask you if this  
18  is a document, Exhibit 4, is a document you've  
19  seen before?

20           A.    I believe I have seen this document  
21  before.

22           Q.    Okay.  So this document concludes that  
23  there -- that caseload limitations are important  
24  and specifies how many additional workers are  
25  necessary to just generally sum up what this does,

Taylor Cheeseman 11/27/2018

1 and this is written by the Department, itself,  
2 right?

3 A. I -- I suppose. I wasn't involved in  
4 the creation of this document.

5 Q. Understood.

6 A. I can't speak to where it came from.

7 Q. Understood.

8 I'm just looking at the title page, and  
9 the title page says it was done by David Chandler,  
10 Commissioner, Department of Child Protection  
11 Services.

12 A. Yes.

13 Q. Okay. So that was the Department's  
14 position in 2016 at least; is that right?

15 A. Correct.

16 Q. Okay. So how do you think that services  
17 can be provided without an adequate workforce  
18 then, without manageable caseloads?

19 A. I'm not saying that services can  
20 provide -- be provided without an adequate  
21 workforce. I disagree with the assessment that  
22 there may be an inadequate one.

23 Q. Okay. So you think that the current  
24 caseload --

25 A. At least now. I mean, I can't speak to

Taylor Cheeseman 11/27/2018

1 2016 or 2015 because I wasn't around in 2016 or  
2 2015, but I -- in terms of delivering positive  
3 outcomes, we are seeing positive outcomes in this  
4 state with the workforce we have.

5 Q. So you think that you can start with the  
6 workforce you have and move backwards and say the  
7 workforce is now adequate because you're getting  
8 positive outcomes?

9 A. I'm saying that I judge a child welfare  
10 system by the outcomes it produces. Now,  
11 obviously, a competent workforce is a necessary  
12 component in producing those outcomes. Right now,  
13 we're by no means perfect, but our system is  
14 producing some really great outcomes.

15 Q. And this is a system which is now, I  
16 think currently, as of last night, at 53 percent  
17 compliant with the caseload standards; is that  
18 right?

19 A. Yes.

20 Q. Okay. So you think that it's bound to  
21 the Department to maintain caseloads at that  
22 standard?

23 A. I think we may have had caseload  
24 standards.

25 Q. Okay. So you disagree with the RHR?

Taylor Cheeseman 11/27/2018

1           A.    I -- all I can say is this, like I just  
2   said, I judge a system by its outcomes.  If you're  
3   achieving the outcomes, then obviously the  
4   workforce is capable of doing the work.

5           Q.    So then is it the case that you don't  
6   think the caseload standards are necessary?

7           A.    I don't think they're the right measures  
8   of caseloads.

9           Q.    What do you mean by the "right  
10  measures"?

11          A.    I don't think compliance with a strict  
12  hard caseload cap is the right way in the child  
13  welfare arena to evaluate caseloads.

14                I think, certainly, it is good that we,  
15  as an agency, produce caseload data, right, and  
16  certainly it is necessary that we know how much  
17  work is out there.

18                Certainly it is necessary that as we do,  
19  we make hiring decisions based on workload need,  
20  right, where there's more work, you need more  
21  staff, where there's less work, you need less  
22  staff.

23                With that said, the reality, the nuance  
24  of child welfare work in the real world is too  
25  complex to be reduced to a hard cap.  Every

Taylor Cheeseman 11/27/2018

1 caseload -- every caseworker must be below this  
2 line.

3 That does not lead to quality  
4 management. In fact, it leads to bad management  
5 from a practice perspective because, you know, if  
6 strict compliance with a cap is the focus, well,  
7 you ignore the complexity -- you are told to  
8 ignore the complexities of particular cases.

9 You are told to ignore the capacities  
10 of particular workers, right? You have a  
11 particularly exceptional CPS caseworker. They  
12 have the capacity to carry, say, 15 cases instead  
13 of the 14 that is the line.

14 It's an inefficiency in terms of  
15 management to not give them that 15th case, but  
16 because you're dealing with a hard cap, you're  
17 obligated to do so. It's just a -- it's an  
18 inartful way to look at caseloads.

19 So a better practice is to, once again,  
20 have accurate caseload data, allow your workload  
21 data to guide hiring -- staffing decisions where  
22 you hire people, where you transfer people, to  
23 have certainly accurate baselines for caseload  
24 standards or -- or guidelines for caseload  
25 standards in the sense of this is the amount of

Taylor Cheeseman 11/27/2018

1 work that your average caseworker can handle, you  
2 don't want supervisors in the field that are  
3 making actual case decisions, you certainly don't  
4 want them to be just, you know, shooting in the  
5 dark.

6           You want to give them some kind of  
7 reason baseline, based on time studies, based on,  
8 you know, work studies. But at the end of the  
9 day, those need to be flexible standards, because  
10 each case -- you can have 10 different foster care  
11 cases, and each one of them requires a different  
12 amount of time and work because of the  
13 complexities of the family, complexities  
14 associated with a child's particular needs, and  
15 the same thing is true on the side of the  
16 caseworkers.

17           You know, each and every one of your  
18 caseworkers, while they all may be competent,  
19 people have different capacities. There are  
20 exceptional people, and exceptional people's  
21 exceptional abilities should be utilized by the  
22 agency, and so while caseload standards, caseload  
23 guidelines are good, deviation from those  
24 standards is necessary based on those ground  
25 factors that only a supervisor making case

Taylor Cheeseman 11/27/2018

1 assignments can -- can make.

2 I mean, there -- it's not reducible to  
3 mathematical certainty, I guess is what I'm  
4 saying.

5 Q. Okay. So then I would take it that you  
6 disagree with the provisions in the STRO and in  
7 the second MSA requiring 90 percent compliance  
8 with caseload standards?

9 A. To the extent they function as a hard  
10 cap, yes, I do.

11 Q. And tell me what your background is in  
12 child welfare before coming to MDCPS?

13 A. Well, I'm not a social worker. I'm a  
14 lawyer. While I was in law school, I worked in  
15 two different youth courts in this state actually  
16 trying these cases.

17 I both -- had the opportunity to work  
18 both on the side of the county prosecutors that  
19 present the petitions and pursue an adjudication  
20 and on the side of the guardians ad litem  
21 representing the child's interest in those cases.

22 While at the Supreme Court, we had a  
23 handful of youth court and child welfare-related  
24 cases that came up to the court on appeal, so  
25 that's the --

Taylor Cheeseman 11/27/2018

1 Q. I see. So based on -- so I'll withdraw  
2 that.

3 And do you know whether Commissioner  
4 Dickinson agrees with your position on -- with  
5 regard to those provisions of the settlement  
6 agreement and the STRO?

7 MR. JONES: And the specific provision  
8 you're relating to is the 90 percent cap?

9 MS. LOWRY: That's it. That's correct.  
10 That's it.

11 THE WITNESS: I believe he does, but  
12 certainly you should ask him.

13 Q. (By Ms. Lowry) I will. I will. Okay.

14 And so I would gather from that, then,  
15 too, that you disagree with what's stated in the  
16 recruitment, hiring and retention plan which we have  
17 marked as Exhibit 4. 2? 3? 4. Exhibit 4.

18 A. What specifically in --

19 Q. It talks about exactly how many  
20 additional workers are necessary to hire in order  
21 to come into compliance with the 90 percent  
22 caseload cap.

23 A. Well, I would -- I can't say that I  
24 agree or disagree with that. I mean, that is  
25 something that -- necessary staffing levels change



Taylor Cheeseman 11/27/2018

1 every day. Cases come in, cases go out. You  
2 know, there are -- so I can't speak to how many  
3 caseworkers were necessary on May 25th of 2016 to  
4 achieve 90 percent compliance.

5 Q. Would you disagree with something that  
6 was proposed -- that is planned -- was prepared  
7 now by MDCPS that calculated these same numbers as  
8 of a current time, current date?

9 Do you want me to ask the question --

10 A. Yeah. Would you rephrase the question?

11 Q. So if MDCPS did a new calculation on how  
12 many workers were necessary to bring on-board in  
13 order to achieve 90 percent of compliance which  
14 would have 90 percent, not a hundred percent, but  
15 90 percent of workers with caseloads within a  
16 limit, particular limit, you would disagree with  
17 that?

18 A. I -- I wouldn't disagree with the  
19 numbers, if that's what you're asking.

20 Q. You would just --

21 A. I disagree with the deliverable. I may  
22 not -- certainly I wouldn't --

23 Q. So you would just take it out of the  
24 settlement agreement, then, right?

25 A. That's not up to me, but yes, if it were

Taylor Cheeseman 11/27/2018

1 up to me, I would.

2 Q. Okay. Thank you.

3 MR. JONES: And again, just for clarity,  
4 you're referring to the 90 percent hard cap?

5 MS. LOWRY: That's correct. That's  
6 correct. That's all I'm referring to.

7 Q. (By Ms. Lowry) And so were you involved  
8 with Commissioner Dickinson making decisions about  
9 how to allocate the money that had finally been  
10 appropriated for MDCPS for fiscal '19?

11 A. Yes.

12 Q. And were you involved with the -- I'll  
13 withdraw that.

14 MS. LOWRY: Mark this as Exhibit 5.

15 (Exhibit 5 marked for identification.)

16 Q. (By Ms. Lowry) Are you familiar with the  
17 document we've marked as Exhibit 5?

18 A. I am.

19 Q. Okay. Let me -- and this talks about a  
20 hiring freeze; is that correct?

21 A. (Examining.) Yes, I mean -- it's a --  
22 well, it does not refer to a hiring freeze. It  
23 refers to a freeze on promotions and raises, and a  
24 limitation on hiring to essential personnel and  
25 replacing separations.

Taylor Cheeseman 11/27/2018

1 Q. Okay. So that means that people should  
2 not hire with the exception of "express approval  
3 being granted by Commissioner Dickinson or  
4 myself," and that refers to you?

5 A. Correct.

6 Q. Okay. And is that still in effect?

7 A. We do not personally approve every hire.  
8 What we have established since this time, the  
9 agency now has a practice on Tuesday of every  
10 week, there is a hire -- what we call a hiring  
11 priorities meeting.

12 At this meeting, every proposed  
13 personnel transaction, a hire or a transfer, is  
14 considered by our leadership in the field, up to  
15 the level of Deputy Commissioner, so the people  
16 that are managing caseload carrying staff, whether  
17 it be on the frontline side, the licensure side,  
18 the adoption side, and so the hiring decisions are  
19 made by that group at that meeting as justified by  
20 workload.

21 Now, the limitation to replacing  
22 separations from the agency is still in effect,  
23 but --

24 Q. So that means that only people -- only  
25 people who have been with -- who have worked for

Taylor Cheeseman 11/27/2018

1 the agency and have left can be replaced; is that  
2 right?

3 A. Correct. We're not growing the total  
4 staff.

5 Q. Okay. All right.

6 A. The -- now, that is mostly true, except  
7 in the sense that there have been some changes in  
8 position. So, for instance, as we have  
9 reorganized kind of the executive leadership of  
10 the agency. We will be hiring a Chief Information  
11 Officer. Uniformly, we had a Deputy Commissioner  
12 of IT but --

13 Q. In terms of caseworkers, this is  
14 generally true?

15 A. Yes, you need a separation to add a  
16 caseworker --

17 Q. So, you can't increase the size of the  
18 caseworker staff?

19 A. Not quite. You can't increase the cost  
20 of the caseworker staff. Now, if you have -- for  
21 instance, hypothetically, you had a separation  
22 that in --

23 Q. "Separation" means somebody leaves?

24 A. Leaves the agency, could be voluntarily,  
25 involuntary, whatever. Some were terminated, they

Taylor Cheeseman 11/27/2018

1 retire, they resign, they transfer to another  
2 state agency, whatever the reason for the  
3 separation. Say, for instance, you had a  
4 supervisor --

5 Q. No, you don't have to give me an  
6 example. I understand what that means. So you  
7 can -- if somebody is cheap -- is much cheaper --

8 A. Exactly.

9 Q. -- then you can bring in perhaps  
10 one-and-a-half people?

11 A. Exactly. It's the dollar amount that's  
12 stagnant, not the number of people.

13 Q. What happened to the salary increase  
14 that we have heard Commissioner Dickinson talk  
15 about at -- in some instances? What -- is that  
16 prohibited as well?

17 A. No, that occurred. That was a  
18 realignment of base salaries by the state  
19 personnel board that took effect I believe it was  
20 January 1 of this year.

21 Q. Okay. And is that the same increase in  
22 salaries that Commissioner Chandler had started?

23 A. My understanding is that there have  
24 actually been two, two separate increases. This  
25 was -- this was precipitated by a recommendation

Taylor Cheeseman 11/27/2018

1 from the State Personnel Board. One of their  
2 functions is that they make -- they study and make  
3 recommendations about what appropriate salary  
4 levels are across state government.

5 Early, I can't remember exactly when,  
6 but early in our time with the agency, we received  
7 a notice from the State Personnel Board that they  
8 were recommending increases to base salaries  
9 for -- I think for all of our position classes  
10 that would have -- these realignments would have  
11 been planned to occur on, I guess, July 1 of this  
12 year when the start of the new fiscal year.

13 However, Justice Dickinson in an effort,  
14 to you know, get a positive impact for the agency  
15 as fast as he could, made a request to implement  
16 those realignments early, which is what led to  
17 them being implemented January 1.

18 Q. Okay. And when were they supposed to be  
19 put into effect?

20 A. Would have been -- ordinarily, they  
21 would -- the change would occur with the turnover  
22 of the state fiscal year.

23 Q. I see.

24 A. On July 1.

25 Q. I see.

Taylor Cheeseman 11/27/2018

1 A. So six months early.

2 Q. Okay. So he put something into effect  
3 six months earlier than it otherwise would have  
4 been --

5 A. And it's not necessarily -- the fact  
6 that the recommendation was made was not a  
7 guaran- -- as I understand, I don't work for the  
8 State Personnel Board -- is not a guarantee that  
9 it would have happened on July 1st, but just  
10 their -- at that point, their recommendation.

11 Q. But you expect the workforce to stay at  
12 substantially the same size then, with the  
13 exception of somebody more expensive leaving and  
14 maybe getting some extra income because you can  
15 hire somebody less expensive --

16 A. Correct.

17 Q. -- is that -- okay.

18 And so when choices had to be made  
19 because of the budget, it was pretty easy for you  
20 to -- or did you recommend to Commissioner  
21 Dickinson that he not put into effect the RHR  
22 provision, or how did that actually happen?

23 That is the budget was lower than you  
24 expected it to be.

25 A. Uh-huh (affirmative response).

Taylor Cheeseman 11/27/2018

1 Q. You did not get the money you asked for.

2 A. Uh-huh (affirmative response).

3 Q. And you had to make some cuts.

4 A. Correct.

5 MR. JONES: Are you referring now to  
6 fiscal year '19?

7 MS. LOWRY: '19.

8 Q. (By Ms. Lowry) And so it must have been  
9 pretty easy, then, to recommend that the RHR not be  
10 implemented given your view of it?

11 A. I don't really have a view of the RHR.  
12 I have a view of the deliverable in the  
13 litigation.

14 Q. You don't think that the case  
15 limitations are, for the most part, a good idea?

16 A. Not in the way that they are applied,  
17 no, not as a hard cap.

18 Q. Okay. Thank you.

19 A. But that's --

20 Q. And in fact, for the 2020 budget -- have  
21 you -- has the agency yet submitted a budget to,  
22 what is it, the Legislative Budget Office?

23 A. Budget Office?

24 Q. Yeah. For 2020?

25 A. Yes, a request was submitted in



Taylor Cheeseman 11/27/2018

1 September or late August.

2 Q. And are you asking for sufficient  
3 funding to meet the requirements of Olivia Y. with  
4 regard to caseloads in that budget?

5 A. Yes, I believe so.

6 Q. So you are try- -- you are seeking to  
7 implement the RHR for 2020?

8 A. Until we are relieved of that caseload  
9 obligation, we are seeking sufficient funding to  
10 comply with it.

11 Q. Okay. I'd like to call your attention  
12 to another document, which we will mark as  
13 Exhibit 6.

14 (Exhibit 6 marked for identification.)

15 Q. (By Ms. Lowry) And I'd like to ask you  
16 if you can identify this document? And I call  
17 your attention to section 4, which is on Page 2 of  
18 the document.

19 A. (Examining.)

20 Q. Okay. So now you've looked at this, and  
21 the section 4 says -- and this is House Bill 1600,  
22 and this is for fiscal -- appropriation for fiscal  
23 2019.

24 And this says, "In the funds  
25 appropriated under the provisions of section 1 of

Taylor Cheeseaman 11/27/2018

1 this act authorize for expenditure under the  
2 provisions of section 2 of this act, not more than  
3 the amount set forth below shall be expended.  
4 However, notwithstanding any other provisions in  
5 this act, it is the intent of the Legislature that  
6 any amount of funds and positions may be  
7 transferred between the Department of Human  
8 Services and the Department of Child Protection  
9 Services in order to comply with the agreements  
10 made by the State of Mississippi with the United  
11 States District Court in reference to the Olivia  
12 Y. lawsuit."

13 Right? That's what it says?

14 A. Yes.

15 Q. And was that, in fact, complied with?  
16 In other words, you -- the agency has not, as I  
17 understood it, complied with the section of the  
18 second MSA and the STRO that require limited --  
19 that require that 90 percent of caseloads should  
20 be within a certain limit, which is one of the  
21 agreements made by the State of Mississippi with  
22 regard to the Olivia Y. lawsuit.

23 So how -- did you seek to have more  
24 funds -- more positions transferred from the  
25 Department of Human Services so that you could

Taylor Cheeseman 11/27/2018

1 comply with that agreement?

2 A. We requested \$23 million more than they  
3 appropriated in this appropriations bill.

4 Q. Right. But then after the bill  
5 passed -- and this is the bill that went to the  
6 Governor; is that correct? This House Bill 1600  
7 was sent to the Governor. On the first page.

8 A. Yes.

9 Q. Okay. So the intent of this legislation  
10 appears to be compliance with the Olivia Y.  
11 lawsuit.

12 A. Correct.

13 Q. Okay. And yet you didn't comply with  
14 it.

15 A. Because they didn't give us enough money  
16 to comply.

17 Q. Okay. But there were other things you  
18 could have cut in the budget, were there not?

19 A. I don't believe so.

20 Q. There was nothing else?

21 A. No.

22 Q. So your budget was how much ultimately  
23 for '19?

24 A. Approximately \$98 million in general  
25 funds and a \$12 million capital expense

Taylor Cheeseman 11/27/2018

1 appropriation. That's our state funding.

2 Q. And what was your total funding?

3 A. Probably -- once again, it depends on  
4 IV E, claiming over the course of the year, but  
5 approximately \$200 million, \$190 million.

6 Q. Okay. And so you -- how much would it  
7 have cost you to come into compliance with the  
8 caseload provisions of the STRO and the second  
9 MSA? How much extra would it have cost you to  
10 come into compliance?

11 A. The projection that is included into our  
12 2020 budget request is an additional \$7 million in  
13 salaries.

14 Q. Okay. And that's add-on. That's not --  
15 I'll withdraw that.

16 That's not the total amount of salaries  
17 for caseworkers. That's just the additional cost  
18 of caseworkers?

19 A. Correct. That's the additional money  
20 needed to hire additional caseworkers and  
21 supervisors.

22 Q. Okay. And so it's your testimony that  
23 there was no place else in the budget you could  
24 find \$7 million to come into compliance?

25 A. I believe that everything we can live

Taylor Cheeseman 11/27/2018

1 without has been cut.

2 Q. Okay. And did you at any point, to your  
3 knowledge, ask the governor for that extra  
4 \$7 million?

5 A. The governor is -- as far as I know, and  
6 I -- you know.

7 Q. I'm just asking what you know.

8 A. My understanding has always been that he  
9 has advocated for us to receive the money that we  
10 have requested from the Legislature and from  
11 whatever source it may be available.

12 Q. So did you go running back to the  
13 Legislature when you saw this legislation and say  
14 but we can't comply, because we can't find  
15 \$7 million in the budget for the caseloads?

16 A. I warned them on the front end. The  
17 week before they passed this bill, I told them,  
18 that if they did not give us the money we were  
19 requesting, that we would not be able to comply.

20 Q. So this is a provision of the  
21 Legislature in which the Legislature expressed its  
22 intent, but you are not in compliance with the  
23 intent?

24 A. Can't. We are not capable of being in  
25 compliance.

Taylor Cheeseman 11/27/2018

1 Q. Because there's not \$7 million elsewhere  
2 in the budget that you could have cut that?

3 A. That we could live without, no.

4 Q. Did you ask the DHS to switch positions  
5 to you so that you could comply?

6 A. DHS, before we got to the \$23 million  
7 more that we needed in state funds had already  
8 committed the \$30 million that they believed they  
9 could commit. My understanding is that that's  
10 what they believe they are capable of committing  
11 to us. That's --

12 Q. When an appropriate -- the legislative  
13 appropriation to CMDPCS was for a lump sum  
14 appropriation; is that right?

15 A. Correct.

16 Q. And in a lump sum appropriation, things  
17 can be moved around by the commissioner; is that  
18 correct?

19 A. Yes, the \$7,994,298 can be spent however  
20 you would like it to be spent.

21 Q. Okay. So the commissioner could have,  
22 in fact, had he thought there was not something  
23 that was so important as you testified, because  
24 you couldn't find \$7 million elsewhere, he could  
25 have, in fact, decided that something else was

Taylor Cheeseman 11/27/2018

1 less important, and this was more important and  
2 could have, in fact, funded the RHR?

3 I think that was clear. I can read it  
4 back to you if you would like.

5 A. You're asking he can spend the money on  
6 what he wants to spend the money on? Is that your  
7 question, essentially?

8 Q. That's a good way of restating it, yes.

9 A. Yes.

10 Q. Do you know how much money you -- I'll  
11 withdraw that.

12 Did you -- do you know whether the  
13 commissioner ever asked the governor to go into  
14 the rainy day -- to a fund that's called the  
15 "rainy day fund," which is the working cost  
16 stabilization reserve to get the money for  
17 compliance with the federal court order?

18 A. I -- I don't know specifically about  
19 whether that -- that fund had been discussed, but  
20 he has had ongoing conversations with the governor  
21 about finding funding for our obligations from  
22 whatever source it's available.

23 Q. Right. But you thought this one was  
24 okay to not focus on?

25 A. I don't know that he didn't.

Taylor Cheeseman 11/27/2018

1 Q. Okay.

2 A. I'm just saying I don't know that, you  
3 know, that fund was discussed by name.

4 Q. Okay. How much would you say that  
5 Commissioner Dickinson relies on you for advice?

6 A. For advice?

7 Q. Well, for advice, recommendations with  
8 the agency functioning.

9 A. I think he seeks my input on most  
10 things. That's -- if that's what you're asking.  
11 I mean, that's --

12 MS. LOWRY: Let's mark this as  
13 Exhibit 7.

14 (Exhibit 7 marked for identification.)

15 Q. (By Ms. Lowry) Are you familiar with the  
16 document I just showed you?

17 A. Yes.

18 Q. Okay. So this says that it is -- it was  
19 headed January 1st, 2018, to June 30th, 2018.

20 Did Commissioner Dickinson submit a  
21 revised budget request to the Legislature for the  
22 2019 appropriation?

23 A. Yes.

24 Q. And is this it?

25 A. No.



Taylor Cheeseman 11/27/2018

1 Q. So what did it look like?

2 A. I mean, it would be similar in the sense  
3 that it would be spreadsheets, but this -- the  
4 document that you've marked Exhibit 7 is one  
5 calculation, and there were many.

6 As we talked about, there was that  
7 ongoing process between Takesha and myself. This  
8 is one calculation of the FY 2018 deficit.

9 Q. This is not -- this is not an amendment  
10 to the budget request?

11 A. No, that is not what this document is.

12 Q. Okay. What did the amendment look like?

13 A. It was a series of spreadsheets. There  
14 was a cover page that was the state's major budget  
15 item categories with a projected cost, a -- and  
16 then the projected state and federal fund portions  
17 of that cost that then totaled out to the state  
18 fund appropriation we believed we needed and  
19 addressed the change in that number for the  
20 \$30 million commitment from DHS, as well as the --  
21 I believe there were line item calculations of  
22 the -- or not calculations, but line item  
23 statements of the contractual obligations that the  
24 agency had and the subsidies, loans and grants  
25 that the agency has. But I mean, it was another

Taylor Cheeseman 11/27/2018

1 spreadsheet. It was similar in nature.

2 Q. Similar in nature to what, to this  
3 document?

4 A. Yes. The cover page would have been  
5 similar, not -- certainly not identical, but --

6 Q. And would it have been for the full  
7 year?

8 A. Yes.

9 Q. And did it provide for any TANF funding  
10 or S- -- SSBG funding?

11 A. We did not break out TANF versus SSBG,  
12 but it reflected the \$30 million commitment from  
13 DHS that they had made it.

14 Q. Now, in the letter of December 15, 2017,  
15 from Jess Dickinson to John Davis, which we marked  
16 as Exhibit 2 -- as Exhibit 2, did you get -- to  
17 your knowledge, did Commissioner Dickinson get a  
18 response?

19 The end of the letter, it says, "Given  
20 this urgency in the impending legislative session,  
21 I am respectfully requesting that you please let  
22 me know as soon as possible the amount of TANF and  
23 SSBG funds you will provide CPS in this fiscal  
24 year and the next."

25 A. I mean, certainly there was a response

Taylor Cheeseman 11/27/2018

1 of some form, I believe. You know, the initial  
2 response from DHS was to the effect that they were  
3 committing to helping and that they would see what  
4 they could do.

5 That then began a -- this is  
6 December 15th, so probably a month of  
7 conversations -- about how we could cover the  
8 deficit, what they could commit, what they  
9 couldn't commit, and so on and so forth.

10 MR. JONES: What --

11 MS. LOWRY: Are we up to 8?

12 (Exhibit 8 marked for identification.)

13 Q. (By Ms. Lowry) I'm going to show you  
14 something we are marking as Exhibit 8.

15 MR. JONES: And, again, just for  
16 clarity, the highlight is your own?

17 MS. LOWRY: I'm sorry?

18 MR. JONES: The highlighting is your  
19 own?

20 MS. LOWRY: That is correct.

21 THE WITNESS: Uh-huh (affirmative  
22 response).

23 Q. (By Ms. Lowry) Okay. So can you identify  
24 this document?

25 A. This is an e-mail from John Davis to

Taylor Cheeseman 11/27/2018

1 Jess Dickinson, giving the response I just  
2 described on December 18th.

3 Q. Is this the only response to the letter  
4 of December 15, to your knowledge?

5 A. Yes. There are obviously -- like I  
6 said, there were ongoing conversations then.

7 Q. There were ongoing conversations between  
8 Jess Dickinson and John Davis?

9 A. We had numerous meetings with different  
10 staff at DHS and, you know, throughout the second  
11 half of December and into January determining  
12 what -- or they were working with them to see what  
13 they could cover, you know, what funds they could  
14 free up, how we got -- how far down the deficit  
15 had to be cut before there would be sufficient  
16 funds to pay for the remaining obligations.

17 MR. JONES: And, Counsel, you've made a  
18 specific request to determine whether there  
19 was a formal response to this document, and  
20 we are not aware of any other response.

21 MS. LOWRY: Okay.

22 MR. JONES: And I make that statement  
23 only because you requested that information  
24 in writing in the last few days.

25 MS. LOWRY: Yes.

Taylor Cheeseman 11/27/2018

1 MR. JONES: I think that's been -- that  
2 information has been provided to you, but  
3 that's our position.

4 MS. LOWRY: Okay. Thank you.

5 Q. (By Ms. Lowry) This letter talks about --  
6 this letter ends with saying, "We will have a formal  
7 written response back" or this email, "We will have  
8 a formal written response back to you concerning  
9 your request for MDHS to provide \$20 million no  
10 later than 8:00 a.m. Tuesday, December 19th."

11 As far as you know, was there such a  
12 response?

13 A. I -- I don't remember.

14 Q. Okay. So I just thank you for your  
15 statement, but this indicates there was a formal  
16 written response but we haven't received it.

17 MR. JONES: Well, I think that document  
18 states there will be a formal response. This  
19 document is dated December 18, not  
20 December 19. And, again, you've made a  
21 request for a formal response on the 19th or  
22 a formal response in that time period we're  
23 not aware of a formal response document.

24 MS. LOWRY: As far as you know, there  
25 wasn't a formal written response.

Taylor Cheeseman 11/27/2018

1 MR. JONES: That is our position. We're  
2 not aware of a document that would meet that  
3 description.

4 MS. LOWRY: Okay. I think that's a  
5 "yes."

6 All right. Let's take a short break.

7 (A short break was taken.)

8 Q. (By Ms. Lowry) With regard to  
9 Exhibit 2, I would like to call your attention to  
10 the first paragraph of that letter and ask you  
11 about a conversation -- if you know -- about a  
12 conversation that Jess Dickinson had with John  
13 Davis about the important role of SSBG and TANF  
14 funding. And it says, "Both of which  
15 traditionally contribute to the functions for  
16 which this agency is responsible. Dr. Chandler  
17 assured me that the availability of funds to meet  
18 our budgetary request would not be a problem, and  
19 you graciously indicated you would take care of  
20 this agency because of your strong commitment to  
21 child protection."

22 Do you remember any such discussions  
23 that Commissioner Dickinson had with David  
24 Chandler?

25 A. One, I was not present for any such

Taylor Cheeseman 11/27/2018

1 conversation. The only recollection I have of  
2 any such meeting was the -- a comment that I've  
3 heard that David Chandler made when Justice  
4 Dickinson asked about the agency's budget, and the  
5 response I've always heard that David Chandler  
6 gave was, "Stop worrying about money. You're  
7 going to have more money than you know how to  
8 spend."

9 And that's -- but in terms of a  
10 particular discussion of TANF or SSBG, not a word  
11 of any.

12 Q. And you were, yourself, present to hear  
13 Chandler say that?

14 A. No, I was not.

15 Q. You're just repeating something you  
16 heard?

17 A. Yes, correct.

18 Q. Okay. And let me also ask you in --  
19 (Exhibit 9 marked for identification.)

20 Q. (By Ms. Lowry) This is an affidavit  
21 from Jess Dickinson, and I would like to ask you  
22 if you're familiar with this affidavit?

23 A. Yes, I've seen this before.

24 Q. And did you have anything to do with the  
25 drafting of this affidavit?

Taylor Cheeseman 11/27/2018

1           A.    I did not draft it.  I reviewed drafts  
2   of it before it was filed but --

3           Q.    Who drafted it?

4           A.    I -- as far as I know, Justice  
5   Dickinson.

6           Q.    Okay.  So you don't know of anybody else  
7   having drafted it.  So were you the only person to  
8   review it?

9           A.    I don't believe so.  I believe that  
10   several other people probably reviewed it,  
11   including legal counsel.

12          Q.    Okay.  But you don't know for sure?

13          A.    I couldn't name every person that saw  
14   it.

15          Q.    Okay.  Who are the people that you know  
16   who reviewed it, just the ones that you know?

17          A.    Our attorneys, Kenya Rachal.  I don't  
18   know about Larry Jones, I believe he may have, but  
19   I don't know that for certain, don't recall.  
20   Those are what I can say for certain.

21                I would imagine some of the other  
22   executive leadership of the agency reviewed it as  
23   well.  I believe they did.  I just don't recall  
24   specifically.

25          Q.    Okay.  So I'd like to call your



Taylor Cheeseman 11/27/2018

1 attention to paragraph 15 of this affidavit, and  
2 that's the second part of the paragraph says,  
3 "When I did not receive the requested budget, I  
4 again raised the issue, and was informed that  
5 MDCPS had access to large amounts of federal  
6 funds, and that sufficient funding for the  
7 agency's balance for" -- "for the agency's  
8 budget -- sorry -- "for the balance of the fiscal  
9 year would not be a problem."

10 And he's talking about the '19 fiscal  
11 year, is that correct, as far as you understand  
12 it?

13 A. '18, I believe.

14 Q. No, I think that -- '18?

15 A. We were coming into the '18 fiscal year.  
16 We were in it when we arrived.

17 Q. Okay. All right. And that was the  
18 fiscal year for which you said there would be  
19 deficits?

20 A. Yes, we ended up determining that there  
21 was a projected deficit of \$52 million.

22 Q. And you did not participate in Judge --  
23 in Commissioner Dickinson's conversation when he  
24 was told that there was sufficient funding for the  
25 agency's budget for the balance of the fiscal

Taylor Cheeseman 11/27/2018

1 year?

2 A. No.

3 Q. Okay. And then I want to point your  
4 attention to paragraph 16, "I again discussed the  
5 issue with the outgoing administration, and I was  
6 informed that the FY 2018 budget that the agency  
7 had submitted to the Legislature was adequate and  
8 that MDCPS would receive all the federal funds  
9 needed to cover any shortfall just as it always  
10 had in the past."

11 Do you have any knowledge about what  
12 that was based on?

13 A. What what was based on? The assertion  
14 that there were sufficient federal funds?

15 Q. Yeah.

16 A. No, I can't say specifically what that  
17 was based on, except that -- except to say that it  
18 was at least based, in part, on the fact, as I  
19 mentioned earlier, that there was not a complete  
20 accounting of the agency's obligations.

21 If you don't know everything that you're  
22 committed to spend, you obviously are going to  
23 underestimate how much funding you think is  
24 needed.

25 Q. Okay. But you didn't have direct

Taylor Cheeseman 11/27/2018

1 knowledge of this statement?

2 A. I can't speak to the speakers --

3 Q. Yeah.

4 A. -- the basis of their knowledge or what  
5 they were --

6 Q. Okay. Now, we talked a little bit about  
7 a salary increase that, in fact, went into -- that  
8 Commissioner Dickinson put into effect -- that  
9 went into effect in January instead of July --

10 A. Correct.

11 Q. -- 2018; is that right?

12 A. Yes.

13 Q. And was there any discussion of instead  
14 using that money to make up the -- to add more  
15 caseworkers as required by the STRO and the second  
16 MSA?

17 A. I -- you know, I can't name the date of  
18 a specific conversation, but yes, I mean, the --  
19 the question of taking that raise off the table  
20 once the deficit was discovered was raised and was  
21 considered, and the judgment of the agency, which  
22 I think is the correct one, was that given the  
23 turnover that is constant in child welfare across  
24 the country, incentivizing good workers to stay  
25 was more impactful for the children and families

Taylor Cheeseman 11/27/2018

1 that we serve, and that we did not pay our workers  
2 enough without that raise to incentivize them to  
3 stay with the agency long-term.

4 Q. And how much money was involved in that  
5 salary increase?

6 A. I want to say the annual cost of the  
7 increase was approximately \$3 million. That's not  
8 in fiscal year '18, obviously, because it was  
9 coming halfway through the year, but on an annual  
10 basis, it was approximately a \$3 million increase.

11 Q. So if you had, in fact, used that with  
12 regards to the violation of the court order, you  
13 could have gotten almost half of the additional  
14 workers; is that right?

15 A. Well, but without the raise, they may  
16 not have stayed, and if they stay, you can't grow  
17 the total, you know, workforce.

18 Q. That was a guess, right? And that was  
19 based, in part, on -- and did you weigh in on that  
20 decision?

21 A. Yes.

22 Q. Okay. And so your judgment was that was  
23 the correct use of the \$3 million?

24 A. Yes.

25 Q. And did you base that, in part, on the

Taylor Cheeseman 11/27/2018

1 fact that you didn't like the caseload provisions  
2 of the second MSA and the STRO?

3 A. No.

4 Q. It was based on?

5 A. The fact that the state personnel  
6 board -- you know, the basis of their  
7 recommendations for realignment is comparison to  
8 surrounding states, so essentially what the state  
9 personnel board was saying was that our workers  
10 were underpaid compared to surrounding states and  
11 other alternative employers.

12 Q. So, in fact, this would have been put  
13 into place even if Commissioner Dickinson hadn't  
14 supported it in July; is that right?

15 A. I don't know that that's the case. I  
16 don't know that it isn't, either.

17 Q. Okay. And let me ask you again about  
18 section 4 in Exhibit 6. This looks like -- sorry,  
19 got it?

20 A. I have it.

21 Q. Thank you.

22 This is potentially a prospective  
23 requirement, is it not?

24 A. A -- what is a prospective requirement?

25 Q. Sorry. Section 4, only talking about

Taylor Cheeseman 11/27/2018

1 section 4, it is the intent of -- I'm reading now,  
2 "It is the intent of the Legislature that any  
3 amount of funds and positions may be transferred  
4 between the Department of Human Services and the  
5 Department of Child Protection Services in order  
6 to comply with the agreements made by the State of  
7 Mississippi with the United States District Court  
8 in reference to the Olivia Y. lawsuit."

9 This -- you had already -- you had tried  
10 to get your budget increased.

11 At this point, the budget had been  
12 increased whatever little amount it had been, but  
13 it hadn't been increased to bring you into  
14 compliance.

15 Did you take steps after this was signed  
16 by the governor to get positions transferred from  
17 the Department of Human Services to comply with  
18 the caseload limitations?

19 A. To get positions transferred?

20 Q. What do you mean by "positions  
21 transferred"?

22 This says, "It is the intent of the  
23 Legislature that any amount of funds and positions  
24 may be transferred between the Department of Human  
25 Services and the Department of Child Protective

Taylor Cheeseman 11/27/2018

1 Services in order to comply with agreements,"  
2 right?

3 A. We have sufficient positions. We don't  
4 have sufficient funding to fill those positions.

5 Q. But that's kind of a technicality, isn't  
6 it?

7 Why do you have -- you have sufficient  
8 positions but you haven't filled them, that's a  
9 noncompliance issue.

10 So did you ask to get the funds  
11 transferred so that you could hire people?

12 MR. JONES: And I object to the form of  
13 the question. You've made a statement, and  
14 then asked a question. I have no problem  
15 with him answering your question, but I  
16 object to the form of your statement.

17 MS. LOWRY: Fine.

18 THE WITNESS: Are you talking about  
19 in -- in relationship to the Department of  
20 Human Services as this is referencing?

21 Q. (By Ms. Lowry) Yes.

22 A. We -- you know, we are constantly  
23 interacting with the Department of Human Services'  
24 financial staff, and the understanding from every  
25 conversation I have ever had with them is that the

Taylor Cheeseman 11/27/2018

1 \$30 million that they have committed to us for  
2 fiscal year '19 is all that they can commit.

3 I can't -- I don't have personal  
4 knowledge of that. I don't manage their finances,  
5 but I can tell you that every dollar that we  
6 control is devoted -- obviously, is devoted to our  
7 child welfare work, and the -- we have a  
8 \$30 million commitment for this fiscal year from  
9 DHS, which, to the best of my knowledge, is the  
10 most they could commit to us.

11 Q. Okay. So you haven't gone back to them  
12 since this bill -- this bill has been signed and  
13 asked them for the money to pay for the additional  
14 positions?

15 MR. JONES: I object to the form of the  
16 question. He can certainly answer it. I  
17 don't think that's his testimony. I think  
18 you're misstating it.

19 THE WITNESS: I mean, I guess I  
20 don't quite understand what you're asking.  
21 We're --

22 (Record read.)

23 THE WITNESS: I -- as I've said, we  
24 have --

25 Q. (By Ms. Lowry) You haven't or you have?



Taylor Cheeseman 11/27/2018

1           A.    My understanding is they've committed  
2   everything they can commit, so I don't, you know,  
3   call them every week and say, hey, can you commit  
4   some more, because they've told us they have  
5   committed everything that they can commit.

6           Q.    Did you review this legislation, and  
7   particularly, section 4, after it was signed by  
8   the governor?

9           A.    I did.

10          Q.    And when you saw this, did you say, hey,  
11   we ought to go get more positions from DHS?

12          A.    Well, my understanding of the --

13          Q.    You were hoping he would say yes, but  
14   you didn't ask them?

15          A.    I think you and I have a different  
16   understanding of the purpose of subsection -- of  
17   section 4 of this bill. My understanding of the  
18   purpose of section 4 of this bill was to give them  
19   the authorization to use the money that they had  
20   committed to use for us, not to force them to come  
21   up with more money on top of the \$30 million.

22          Q.    Okay.

23          A.    That this was the mechanism to allow  
24   them to use or at least not to -- I shouldn't say  
25   to allow them -- to make it clear that from the

Taylor Cheeseman 11/27/2018

1 Legislature's perspective, that they should be  
2 doing that.

3 But, no, if your question is do I keep  
4 going back to them and say are you still sure that  
5 it's --

6 Q. I'm asking you, did you at any one time  
7 go back to them after this legislation was passed  
8 and ask them for the money?

9 A. I don't know that I have specifically  
10 done that, no.

11 Q. Are you aware of whether there is a  
12 verbal agreement between MDHS and MDCPS to  
13 transfer funds routinely between MDHS and MDCPS  
14 under TANF and SSBG?

15 A. Not exactly. I wouldn't phrase things  
16 that way. There is a -- we have an agreement that  
17 they have committed to provide \$30 million to  
18 cover MDCPS's expenditures in the current fiscal  
19 year.

20 Q. Okay. But are you aware of an ongoing  
21 agreement between MDHS and MDCPS?

22 A. Ongoing when?

23 Q. As of '17?

24 A. No. Like I said, there was a --  
25 certainly a history of that happening with the

Taylor Cheeseman 11/27/2018

1 Division of Family and Children Services. My  
2 understanding was that it was the -- you know, the  
3 ordinary practice to do so.

4 I know -- now, obviously, I wasn't  
5 personally involved and don't know all the details  
6 of this. I know there was some back and forth  
7 early in the process of separating the two  
8 agencies about whether that was to continue, but  
9 there was no -- when we arrived, there was no  
10 formal commitment of those funds.

11 Q. And for the 2020 budget, have you put  
12 in -- I think you said you have not put it, or  
13 that is, the agency has not put in any TANF or  
14 S -- what's the name?

15 MR. JONES: SSBG.

16 THE WITNESS: For 2020? We have.

17 Q. (By Ms. Lowry) You have?

18 A. Yes, it has.

19 Q. Okay.

20 A. It was not included in the '18 request.  
21 It has been included in our revised '19 -- it was  
22 not in the original '19 that David Chandler and  
23 Takesha Darby submitted. In our revised '19 and  
24 in our '20 request, it has been included.

25 Q. And how much is that?

Taylor Cheeseman 11/27/2018

1 A. That \$30 million commitment.

2 Q. That they've already given you?

3 A. It's not that they've given us. There  
4 is a commitment for them essentially to but they  
5 don't -- that's another thing, is they are not at  
6 this point transferring the funds to us. They pay  
7 expenses for us.

8 I don't -- it's -- you know, their  
9 funding sources, but that makes some difference to  
10 them accounting-wise that they do things that way,  
11 but yes, there's a commitment in both fiscal -- in  
12 the current fiscal year '19 and for fiscal year  
13 '20 for them to make that \$30 million available to  
14 us.

15 MS. LOWRY: Okay. The deposition is  
16 concluded. Thank you very much for coming in  
17 and testifying.

18 MR. JONES: I have a few follow-up  
19 questions.

20 MS. LOWRY: Okay.

21 EXAMINATION BY MR. JONES:

22 Q. Mr. Cheeseman, as you know, I'm Larry  
23 Jones. I represent the defendants in this case.  
24 I'd like to ask you certain questions about the  
25 matters that were discussed with you by counsel

Taylor Cheeseman 11/27/2018

1 for plaintiffs in this case.

2 A. Okay.

3 Q. I'll try to be brief. If you don't  
4 understand my question, please correct me to the  
5 extent I need to do so, I'll ask you questions.

6 You assumed your position with MDCPS on  
7 September 15th of 2018; is that correct?

8 A. 2017.

9 Q. I'm sorry, '17. It is hard to keep up  
10 with these dates.

11 And Justice Dickinson became  
12 commissioner officially on September 18th, 3 days  
13 after that, of 2017?

14 A. Correct.

15 Q. And there was some preliminary due  
16 diligence conversations that you've discussed  
17 between Judge Dickinson and the prior  
18 administration?

19 A. Yes.

20 Q. All right. And it's your understanding  
21 to a certain extent Justice Dickinson was advised  
22 by the prior administration that funding for  
23 fiscal year 2018 operations would not be an issue?

24 A. Yes. The comment I referenced earlier.

25 Q. Now, is MDCPS a complex organization

Taylor Cheeseman 11/27/2018

1 with multiple funding sources?

2 A. I believe so.

3 Q. All right. There is state funding?

4 A. Correct.

5 Q. In the form of general funds?

6 A. Yes.

7 Q. There can also be, from time to time,  
8 special funding sources from the state?

9 A. Correct.

10 Q. There are certain federal direct funding  
11 sources?

12 A. Correct.

13 Q. And from time to time, there's  
14 historically been the provision of federal funds  
15 which have been described as TANF funds and SSBG  
16 funds?

17 A. Correct.

18 Q. Now, from -- did you and Justice  
19 Dickinson and the other members of the management  
20 team appoint yourself with the operations and  
21 programs and mission of MDCPS after you assumed  
22 your positions?

23 A. Yes.

24 Q. I want to ask you about an event --  
25 well, strike that.

Taylor Cheeseman 11/27/2018

1                   Were you advised prior to November 15th  
2                   of 2017, that there was potentially a very  
3                   significant deficit in the funds available to pay  
4                   for the operations of CPS and its programs?

5                   A.    If I recall, there was a communication  
6                   November 14th and November 15th, but other than  
7                   that, no.

8                   Q.    All right. I'm going to show you those  
9                   documents in just a moment, but November 14 --

10                  A.    14th and 15th. Other than what I  
11                  mentioned earlier about the two particular  
12                  contracts and the funding for those contracts.

13                  Q.    There have been questions I think more  
14                  in the form of answers for you about that period  
15                  of time. Let me just hand you a document that  
16                  contains multiple e-mails.

17                  MR. JONES: I'm going to have this  
18                  marked as -- how do you prefer to do this?  
19                  Just continuous numbers?

20                  (Exhibit 10 marked for identification.)

21                  Q.    (By Mr. Jones) Would you mind turning  
22                  back to -- in this document, to the November 8  
23                  e-mail, which is timed 2:14 p.m. central standard  
24                  time? It's from Bridgette Bell to Chip Butler.

25                  Do you see that?

Taylor Cheeseman 11/27/2018

1 A. Yes.

2 Q. And those individuals were both MDHS  
3 employees?

4 A. Correct.

5 Q. And if you follow this flow forward,  
6 the -- Mr. Butler then submitted an e-mail on the  
7 14th, which is some -- and that's not very good --  
8 but about six days later to Kris Jones, who at  
9 that time was an MD, and still is today, CPS  
10 employee; is that correct?

11 A. Correct.

12 Q. And it forwarded Mr. Ferrell's e-mail,  
13 did it not?

14 A. Yes.

15 Q. All right. I'd like you to look at the  
16 exhibit to this e-mail for just a moment and ask  
17 you certain questions about this. I'll try to be  
18 brief.

19 This document relates to MDHS funding,  
20 does it not, use of funds, expenses?

21 A. Yes, this is tracking expenditures  
22 across all of MDHS's divisions, as well as MDCPS.

23 Q. All right. And if you look at the third  
24 column, that relates to Child Protective Services,  
25 does it not?



Taylor Cheeseman 11/27/2018

1 A. Correct.

2 Q. You've talked about allotments -- is it  
3 true, sir -- I'm just going to repeat your  
4 testimony rather than provide you information --  
5 that the state funding is provided to MDCPS in two  
6 allotments, one on July 1st, and one on  
7 January 1st?

8 A. Yes.

9 Q. And, of course, the fiscal year for the  
10 state runs from 7/1 of any fiscal year to 6/30 of  
11 the next year?

12 A. Correct.

13 Q. So at the time this was rendered, you  
14 were in fiscal year 2018?

15 A. Yes.

16 Q. And a lot of the accounting was -- and  
17 expenditure tracking was maintained at DHS and  
18 provided to CPS; is that true?

19 A. Yes. Well, at that point, you had a --  
20 a hybrid. Financial services had not been  
21 completely separated from DHS, so there was both  
22 CPS financed that and MDHS financed that that had  
23 a hand in CPS's finances.

24 Q. Continuing on this exhibit, it reflects  
25 that the allotment one to CPS was 48,984,661.50.

Taylor Cheeseman 11/27/2018

1 Do you see that?

2 A. Yes, I do.

3 Q. Does it also track expenditures by  
4 certain months after that?

5 A. Yes.

6 Q. And it shows expenditures for July,  
7 August, September and October?

8 A. Yes.

9 Q. Now, if you follow down, it does not  
10 show expenditures at that point for November '17  
11 or December '17, does it, sir?

12 A. No, those two months are not covered  
13 here.

14 Q. All right. So this was a snapshot, if  
15 you will, as of 10/17 of 2017?

16 A. I actually believe this is as of the end  
17 of the month. I believe that's date and year in  
18 the left-hand column.

19 Q. I think you're correct. So if you go  
20 down the -- there was a -- potentially on  
21 November 8th at that point, there was a balance in  
22 the first allotment of 6,242,645; is that correct?

23 A. Yes.

24 Q. However, there were commitments  
25 outstanding according to the expenditure records

Taylor Cheeseman 11/27/2018

1 of DHS and MDCPS of 1,663,481.

2 Do you see that?

3 A. Yes, I see that.

4 Q. And that left a balance of commitments  
5 of approximately, at that point in time,  
6 4,579,164?

7 A. Yes, that's what the spreadsheet  
8 reflects.

9 Q. Now, if you review this spreadsheet  
10 closely, you'll see with exception of the very  
11 first of the year, MDCPS's expenditures were  
12 running somewhere in the \$12 million a month  
13 range; is that correct?

14 A. Yes.

15 Q. All right. Now, if you track this  
16 e-mail series forward -- and I'm not going to  
17 reflect every one, but ultimately -- let's do it  
18 this way. Do you see the e-mail at the top which  
19 is from Kris Jones to you dated November 15th,  
20 2017, at 3:55 p.m.?

21 A. Yes.

22 Q. That's the first notice, is it not, to  
23 MDCPS of a potential shortfall of funds?

24 A. Well, except the November 14th e-mail  
25 you referenced a moment ago from --

Taylor Cheeseman 11/27/2018

1 Q. I'm sorry, one day earlier?

2 A. Yes.

3 Q. That's the first notice to you, written  
4 notice?

5 A. I believe -- I don't recall if the  
6 November 14th e-mail was forwarded to me on  
7 November 14th or if the 15th was the first I  
8 heard, but it was either the 14th or the 15th.

9 Q. If you look down to Richard Ferrell's  
10 e-mail on November 15th at 9:02 p.m. to Virginia  
11 Kuhlman.

12 Do you see that?

13 A. Yes.

14 Q. Now, this e-mail reflects, does it not,  
15 according to the financial -- financial software  
16 program, "As of this morning" -- and that's  
17 November 15th -- "CPS had \$46 million of  
18 expenditures and 1,668,397 of commitments."

19 Do you see that language?

20 A. I do.

21 Q. Now, this left an allotment balance of  
22 only \$992,309, did it not, according to this  
23 statement?

24 A. That's what it says, yeah.

25 Q. And that would have been as of

Taylor Cheeseman 11/27/2018

1 November 15th?

2 A. Yes.

3 Q. Now, the MDCPS still had bills to pay  
4 for the remainder of November and all of December,  
5 did it not?

6 A. Yes.

7 Q. Now, obviously, without some dramatic  
8 action, MDCPS was not going to be able to pay its  
9 bills even for the first half of fiscal year 2018,  
10 was it, sir?

11 A. No, not without moving funds from the  
12 second allotment into the first.

13 Q. From the second allotment.

14 And that is not its typical standard  
15 practice?

16 A. No. Your allotments should cover each  
17 half of the year.

18 Q. Did that put you and Justice Dickinson  
19 and other CPS management team on notice of a  
20 potential very significant and serious shortfall?

21 A. Yes.

22 Q. Now, is "shortfall" an accurate term for  
23 what we're discussing? It reflects, does it not,  
24 obligations that must be paid without funding  
25 sources?

Taylor Cheeseman 11/27/2018

1 A. Yes.

2 Q. Sometimes it's referred to as a deficit?

3 A. I would say the amount to which our  
4 obligations exceeded our projected available  
5 funding.

6 Q. All right. When you arrived at MDCPS on  
7 9/15 or, actually, when Justice Dickinson arrived  
8 on 9/18 of 2017, did CPS have an accurate  
9 operational budget that would -- could be used  
10 during the funding that would reasonably be  
11 expected to come in and the expenditures that  
12 would be obligations during fiscal year 2018?

13 A. No. There was no complete line item  
14 accounting of the agency's obligations.

15 Q. Now, in response to the notifications of  
16 November 14th and 15th, did you begin then to  
17 assess the extent of this potential deficit and  
18 how to address it?

19 A. Yes.

20 Q. Now, let me just ask you this generally  
21 without going through multiple documents. The  
22 potential amount of that shortfall or deficit was  
23 identified at different points in time based on  
24 the best information you had?

25 A. Correct.

Taylor Cheeseman 11/27/2018

1 Q. And one of those points in time you  
2 identified that potential shortfall was  
3 \$52 million?

4 A. Yes.

5 Q. Was that a significant and serious  
6 potential shortfall?

7 A. Absolutely.

8 Q. All right. Did Takesha Darby, the  
9 financial officer at that time, in fact, in that  
10 same general period of time, estimate that the  
11 potential shortfall might be as much as  
12 \$63 million?

13 A. I believe that was the -- the highest  
14 calculation we ever had.

15 Q. All right.

16 A. 52 was where we settled.

17 Q. Now, without focusing on the -- every  
18 specific step, did the administration of CPS then  
19 take steps to reduce that potential shortfall?

20 A. Yes.

21 Q. And did those steps include reducing  
22 expenditures where expenditures could be reduced?

23 A. Yes.

24 Q. Now, ultimately, did CPS determine that  
25 the potential shortfall would be approximately

Taylor Cheeseman 11/27/2018

1 \$44 million?

2 A. Yes, after the -- the cuts that we  
3 identified that could be made, 44 million was the  
4 number that, in our conversations with the  
5 Department of Human Services, that that was the  
6 amount of funding we felt could be identified to  
7 cover obligations, the amount we didn't need to  
8 cut.

9 Q. All right.

10 A. And I should say contingent upon a  
11 \$12 million deficit appropriation from the  
12 Legislature, which we did ultimately receive.

13 Q. Let me just cut to the bottom line of  
14 that. This was a potential shortfall and funding  
15 whereby CPS would not be able to pay its  
16 obligations of approximately \$44 million at the  
17 end of the day?

18 A. Yes.

19 Q. And in order to solve that potential  
20 shortfall, is it true that CPS requested and  
21 received deficit funding appropriation of  
22 \$12 million?

23 A. Yes.

24 Q. And was the balance of the shortfall  
25 then taken care of by DHS through the use of funds



Taylor Cheeseman 11/27/2018

1 to pay CPS obligations?

2 A. Yes, they were -- with the deficit  
3 appropriation, they were able to cover the \$44  
4 million.

5 Q. Through some fairly complicated matching  
6 procedures; is that correct?

7 A. Yes, I can't speak to DHS's internal  
8 financial practices, but yes, that's my  
9 understanding.

10 Q. When Justice Dickinson assumed office,  
11 did anyone put him on notice that it might face a  
12 potential -- that the department might face a  
13 potential deficit that could be as high as  
14 \$63 million or potentially \$44 million?

15 A. No.

16 Q. Ultimately there was no deficit in the  
17 fiscal year 2018. CPS paid its bills with --  
18 through the process that you've just described  
19 generally?

20 A. Yes.

21 Q. Should CPS and its administration be --  
22 I don't want to use the wrong word -- recognized  
23 for the significant effort it took to solve that  
24 issue, sir, in your opinion?

25 A. Yes.

Taylor Cheeseman 11/27/2018

1 Q. Now, you and Commissioner Dickinson did  
2 not have any role in drafting the budget request  
3 for fiscal year 2018, did you, sir?

4 A. No.

5 Q. That was in place when you arrived?

6 A. We were two-and-a-half months into the  
7 fiscal year when we arrived.

8 Q. All right. And fiscal year -- the  
9 fiscal year 2019 budget request had already been  
10 submitted before you assumed your roles; is that  
11 correct?

12 A. Yes, the original budget request had  
13 been submitted.

14 Q. And within days of arriving on the 18th  
15 of September, 2017, Justice Dickinson was  
16 appearing before the Legislature to discuss,  
17 defend, review the fiscal year 2019 budget  
18 request. You've discussed that?

19 A. Yes.

20 Q. At the time you began your analysis and  
21 assessment, was there -- as counsel opposite has  
22 discussed, was there in place an agreement from  
23 MDHS to provide a specific amount of TANF or SSBG  
24 funding?

25 A. No, there was no formal commitment of

Taylor Cheeseman 11/27/2018

1 SSBG or TANF funds, just a history of them having  
2 done so.

3 Q. Was the fiscal year 2018 crisis  
4 anticipated by you and Justice Dickinson when you  
5 assumed your roles?

6 A. No.

7 Q. Was it foreseeable, sir?

8 A. No.

9 Q. We are currently in fiscal year 2019,  
10 are we not?

11 A. Yes, we are.

12 Q. And let me ask you just a few questions  
13 about the caseload cap. You are familiar with  
14 that term as I'm using it, are you not?

15 A. Yes, I am.

16 Q. Now, the -- the cap is based on a  
17 weighted value matrix, isn't it, sir?

18 A. It is.

19 Q. Which ultimately has values for  
20 certain -- for a number of enumerated tasks?

21 A. It does.

22 Q. And those tasks, if added up together,  
23 approximate 1.0, does it not?

24 A. Yes, the 1.0 is the maximum weight to be  
25 carried. That is the cap.

Taylor Cheeseman 11/27/2018

1 Q. In the application of that task, then,  
2 it has been measured by number -- well, first of  
3 all, it's been measured by compliance to a certain  
4 extent with the 1.0 standard, is it not, at the  
5 first level of refusal?

6 A. Yes, each caseworker is measured into  
7 whether or not their caseload exceeds the 1.0.

8 Q. Let me just ask you this conceptually.  
9 When a caseworker -- if a caseworker is precisely  
10 at 1.0 based on their mixed job functions, and  
11 that caseworker receives a single investigation to  
12 review, what is the effect on the 1.0 standard?

13 A. If a worker is at 1.0, a single  
14 investigation assigned to them would push them  
15 over the standard.

16 Q. The second level of review under this  
17 weighted value system is that all frontline  
18 caseworkers, as that term has been refined in  
19 these documents, 90 percent of them have to meet  
20 the 1.0 standard.

21 A. Correct.

22 Q. And that is a fixed rigid cap, is it  
23 not?

24 MS. LOWRY: I would object to the form.

25 You can go on.

Taylor Cheeseman 11/27/2018

1 THE WITNESS: Yes, there is no  
2 flexibility in the 90 percent.

3 Q. (By Mr. Jones) All right. And the Fifth  
4 Circuit Court of Appeals has spoken to fixed rigid  
5 caps in the MD Texas class action opinion in recent  
6 months, has it not, sir?

7 A. It has.

8 Q. And do you agree or disagree with a  
9 90 percent rigid fixed caseworker, caseload cap?

10 A. I agree, as I've said, with the Fifth  
11 Circuit's conclusion that that is bad caseload  
12 management, bad practice for child welfare  
13 systems.

14 Q. Is it, in your view, detrimental to  
15 children?

16 A. Absolutely.

17 Q. Is it detrimental to management?

18 A. Yes.

19 Q. Is MDCPS continuing -- sorry, strike  
20 that.

21 Is MDCPS in its fiscal year 2020 budget  
22 request requesting additional funds to hire  
23 caseworkers?

24 A. It is.

25 Q. And that budget request has not been

Taylor Cheeseman 11/27/2018

1 acted upon at this point, has it?

2 A. No.

3 Q. Again, let me just ask you this  
4 generally. In your view from your role as chief  
5 of staff, has -- did MDCPS respond reasonably to  
6 the fiscal year 2018 budget crisis?

7 A. It did.

8 Q. And we now know from all of the events  
9 that occurred in this case, that ultimately MDCPS  
10 requested \$133 million from the Legislature for  
11 fiscal year 2019?

12 A. It did.

13 Q. And the appropriation was approximately  
14 \$110 million, was it not?

15 A. That's correct.

16 Q. And that left a \$23 million shortfall  
17 from the budget request?

18 A. That's correct.

19 Q. Has MDCPS responded reasonably to that  
20 shortfall?

21 A. I believe so.

22 Q. And let me state for the record, counsel  
23 has just pointed this out. The document I  
24 introduced didn't have the Bates numbers on it. I  
25 just didn't get that copied version in my folder

Taylor Cheeseman 11/27/2018

1 today, but you have them with Bates numbers?

2 MS. LOWRY: Okay.

3 Q. (By Mr. Jones) Isn't it the position of  
4 MDCPS today, sir, that the court in this case should  
5 suspend or invalidate the 90 percent caseload, hard  
6 cap caseload -- caseworker caseload cap?

7 MS. LOWRY: I object to that question.  
8 You can answer.

9 THE WITNESS: Yes, sir.

10 Q. (By Mr. Jones) All right. Is it the  
11 position of CPS that the court in this case should  
12 then direct the monitor, Public Catalyst, and MDCPS,  
13 and the other defendants, to consult and recommend  
14 back to the court appropriate caseload standards  
15 consistent with the MD Texas opinion?

16 MS. LOWRY: I will just object. I will  
17 have a continuing objection to this line of  
18 questioning.

19 MR. JONES: That will be fine.

20 Q. (By Mr. Jones) Is that your position,  
21 sir?

22 A. Uh-huh (affirmative response). That's  
23 the way I understand the relief we've requested in  
24 our rule of 360 measure.

25 EXAMINATION BY MS. LOWRY:

Taylor Cheeseman 11/27/2018

1 Q. Let me just ask you a few more  
2 questions.

3 Are you aware of other -- how much --  
4 you answered this before, but I'd just like to ask  
5 you a little bit further. How much do you know  
6 about child welfare practices, other than having  
7 attended a KC seminar and seen some cases in your  
8 role as a lawyer and clerking for Justice  
9 Dickinson?

10 A. You mean before I arrived at CPS?

11 Q. Yes. Correct.

12 A. That was the extent of my experience  
13 before I arrived at CPS.

14 Q. Okay. So your opinions about the value  
15 of having a caseload limitation are based on both  
16 your previous knowledge of child welfare, which is  
17 not extensive, and your time at MDCPS, which is  
18 how long?

19 A. A little more than a year now.

20 Q. I see. Fine.

21 A. And the Fifth Circuit's opinion in the  
22 MD case as well.

23 Q. I see.

24 A. I mean, I think they've now confirmed  
25 that.



Taylor Cheeseman 11/27/2018

1 Q. Right. Well, that was a litigated  
2 judgment, and this is an agreed upon court order.  
3 Is there a difference between the two?

4 A. There's certainly a difference between a  
5 litigated judgment and an agreed upon court order.  
6 I don't think that changes the Court's analysis on  
7 that point.

8 Q. Right. So they were looking at an issue  
9 on best practices, were they not, and found that  
10 that was best practices and was not to be allowed.  
11 But here you have a judgment that is a combination  
12 of best practices and what's required  
13 constitutionally.

14 Do you think that makes a difference?

15 A. I think they said more than that. The  
16 Fifth Circuit's opinion was not simply that the  
17 District Court judge could not impose a hard cap.  
18 It was that it would have a detrimental impact on  
19 family and children to do it, that the -- the  
20 managerial dictates that come with a hard caseload  
21 cap, the things that it forces you to do as a  
22 manager hurt children and families rather than  
23 help, not just that it was not constitutionally  
24 required but that it's bad.

25 Q. Was there evidence in the case, to your

Taylor Cheeseman 11/27/2018

1 knowledge, that showed that?

2 A. I assume there was. I have not read the  
3 record.

4 Q. I see.

5 Did you read the District Court opinion  
6 below?

7 A. Yes.

8 Q. And did you see any reference to  
9 evidence that supported the position you're now  
10 stating?

11 A. I -- there was obviously evidence in the  
12 sense of the -- the shuffling of cases that was  
13 necessary to comply, the limitations on staffing  
14 that the State of Texas had.

15 Q. Oh, really. You think there was  
16 evidence on that issue?

17 A. The Fifth Circuit cited it, so --

18 Q. Really?

19 A. I assume the Fifth Circuit is not making  
20 that up.

21 Q. Right. Fifth Circuit, I think, probably  
22 doesn't make up a lot of things.

23 A. No, they don't.

24 Q. Do you teach any law courses?

25 A. No.

Taylor Cheeseman 11/27/2018

1 Q. Are you someone who is versed in  
2 constitutional law?

3 A. I believe I'm relatively well versed in  
4 constitutional law.

5 MS. LOWRY: Okay. I have nothing  
6 further.

7 MR. JONES: Nor do I.

8 (Time Noted: 10:38 a.m.)

9 SIGNATURE/NOT WAIVED

10

11 ORIGINAL: MARCIA ROBINSON LOWRY, ESQ.

12 COPY: J. LAWRENCE JONES, ESQ.

13

14

15

16

17

18

19

20

21

22

23

24

25

Taylor Cheeseman 11/27/2018

1	CERTIFICATE OF DEPONENT		
2	DEPONENT: TAYLOR CHEESEMAN		
	DATE: November 27, 2018		
3	CASE STYLE: OLIVIA Y., ET AL. vs. PHIL BRYANT, ET AL.		
4	ORIGINAL TO: MARCIA ROBINSON LOWRY, Esq.		
5	I, the above-named deponent in the		
6	deposition taken in the herein styled and numbered		
7	cause, certify that I have examined the deposition		
8	taken on the date above as to the correctness		
9	thereof, and that after reading said pages, I find		
10	them to contain a full and true transcript of the		
11	testimony as given by me.		
12	Subject to those corrections listed		
13	below, if any, I find the transcript to be the		
14	correct testimony I gave at the aforesated time		
15	and place.		
16	Page	Line	Comments
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____
21	_____	_____	_____
22	_____	_____	_____
23	_____	_____	_____
24	_____	_____	_____
25	_____	_____	_____

This the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
TAYLOR CHEESEMAN

State of Mississippi  
County of \_\_\_\_\_

Subscribed and sworn to before me, this the  
\_\_\_\_ day of \_\_\_\_\_, 2018.

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Taylor Cheeseman 11/27/2018

## 1 CERTIFICATE OF COURT REPORTER

2 I, Ginger H. Brooks, Court Reporter and  
3 Notary Public, in and for the State of  
4 Mississippi, hereby certify that the foregoing  
5 contains a true and correct transcript of the  
6 testimony of TAYLOR CHEESEMAN, as taken by me in  
7 the aforementioned matter at the time and place  
8 heretofore stated, as taken by stenotype and later  
9 reduced to typewritten form under my supervision  
10 by means of computer-aided transcription.

11 I further certify that under the  
12 authority vested in me by the State of Mississippi  
13 that the witness was placed under oath by me to  
14 truthfully answer all questions in the matter.

15 I further certify that, to the best of  
16 my knowledge, I am not in the employ of or related  
17 to any party in this matter and have no interest,  
18 monetary or otherwise, in the final outcome of  
19 this matter.

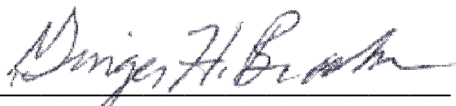
20 Witness my signature and seal this the  
21 6th day of December, 2018.

22

23

24

25

  
GINGER H. BROOKS, #1165  
CRR, RPR, CCR

My Commission Expires:  
September 18, 2021